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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/910,656	WATTS ET AL.	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6,7,9,10,13-15,18,20-22,26 and 29-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 6, 7, 9, 10, 13-15, 18, 20-22, 26, 29-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 12/19/2007. Claims **1-3**, **6**, **7**, **9**, **10**, **13-15**, **18**, **20-22**, **26**, **29-38** are pending. Claims **1**, **2**, **10**, **13-15**, **18**, **21**, **22**, **26**, **29-34**, **38** are amended. Claims **4**, **5**, **8**, **11**, **12**, **16**, **17**, **19**, **23-25**, **27-28**, **39-40** are canceled. The examiner hereby withdraws the objections to claims **1**, **13**, **32** in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **1**, **13**, and **32**, filed 12/19/2007, have been fully considered, but they are not persuasive.

Regarding claims **1**, **13**, and **32**, the applicant argues that Shoff et al. does not disclose or suggest retrieving supplemental data based on a tag value contained in the primary content data, the tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data. The examiner respectfully disagrees. Shoff et al. discloses an interactive entertainment system that enables presentation of supplemental interactive content along side traditional broadcast video programs (see Abstract). Each subscriber of the interactive entertainment system has a viewer computing unit 24. The viewer computing unit is a set-top box (STB) 26 coupled to a television (TV) 28 (col. 4, l. 22-25). When a viewer tunes to a particular channel, the STB determines if the program is interactive. If it is, the STB launches an interactive support module (col. 3, l. 14-18). The STB then displays the supplemental content concurrently with the video content program (col. 3, l. 45-47).

Shoff et al. discloses that the method begins when a viewer tunes to a particular channel. The channel navigator controls the tuner 98 to tune to the channel. The viewer computing unit checks the appropriate channel and time slot of the EPG data structure 48 to determine if the program carried on the selected channel at this time is interactive (col. 8, l. 62-67 & col. 9, l. 1). The examiner interprets the channel and time slot of the program to be a "tag value," as currently claimed. The presence of a target specification in the EPG data field 58 in association with the program is an indication that the program is interactive compatible and that there is supplemental content for the program (col. 9, l. 1-5). The examiner interprets this as "identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data," as currently claimed. As such, the examiner maintains that Shoff et al. meets the limitation of "receiving primary content data at a set-top system from a primary external source, including at least one tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data," as currently claimed.

Shoff et al. further discloses transmitting EPG data records to the set-top system to be cached at the local EPG. The local EPG is thus able to identify whether a particular program is interactive compatible by quick reference to the locally cached EPG data structure (col. 7, l. 1-8). The examiner notes that at least one of the data fields 58 of the EPG stores target specifications to supplemental content. The target specifications can be in the form of memory pointers, hyperlinks, URLs, or any other designation for referencing a location containing supplemental content (col. 6, l. 49-64). The examiner interprets the target resource indicator to be a "tag value," as currently claimed. Shoff et al. further discloses that supplemental content is constructed as a hypertext document utilizing tags to indicate how to render content (col. 12, l.

48-67; col. 13, l. 1-27). As such, the examiner maintains that Shoff et al. meets the limitation of "receiving primary content data at a set-top system from a primary external source, including at least one tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data," as currently claimed.

Shoff et al. still further discloses that interactive content can be supplied locally on a storage medium, such as a CD-ROM (col. 7, l. 61-67 & col. 8, l. 52-55). A content developer creates the interactive CD-ROM (col. 7, l. 63-65). Shoff et al. further discloses that the content developer is the same provider that distributes the video content program (col. 3, l. 10-12). As noted above, Shoff et al. teaches determining whether the program being received is interactive based on the channel and time slot of the program and the target resource of the program. Shoff et al. further notes that the supplemental content is synchronized with the program using open loop control, such as a start time followed by measurable ticks or by frame count (col. 7, l. 67; col. 8, l. 1-3; & col. 10, l. 7-17, 34-43). The examiner interprets measurable ticks or frame count to be a "tag values," as currently claimed. The supplemental content is displayed according to a display layout and synchronized to the program according to the timing information. For example, the supplemental content might be a trivia game which quizzes the viewer as to possible outcomes of various scenes. The questions are displayed on the screen according to the display layout and are timed using the timing information to coincide with the part of the program to which the questions pertain (col. 10, l. 50-58 & col. 11, l. 59-65). The examiner acknowledges the applicant's argument that the process of Shoff et al. is backwards to that of the invention; however, the examiner notes that identifying the concurrent supplemental content for the program runs both ways. That is, the data is synchronized on the basis of timing or frame

count of the program (col. 8, l. 1-3; col. 10, l. 7-17, 56-58; & col. 11, l. 59-65). As such, the examiner maintains that Shoff et al. meets the limitation of "receiving primary content data at a set-top system from a primary external source, including at least one tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data," as currently claimed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-3**, **6**, **7**, **9**, **10**, **13-15**, **18**, **20-22**, **26**, **29-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al.

Referring to claim **1**, Shoff et al. discloses a method/medium/entertainment system comprising:

- receiving primary content data at a set-top system 26 (Fig. 2) from a primary external source 42, including at least one tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data (the examiner interprets the channel and time slot of the program to be a tag value, the target resource as being a tag value, and the frame

numbers and timing information as being tag values)(col. 6, l. 49-67; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 63-67; col. 10, l. 7-17, 34-43, 50-58; & Figs. 2, 3, 5, 6);

- accessing a storage of the set-top system storing the subsidiary data, the subsidiary data supplementing the primary content data, the storage having a plurality of portions of the subsidiary data, including the piece of the first portion of the subsidiary data and the tag value, the accessing including retrieving the piece of the first portion of the subsidiary data based on the tag value (col. 3, l. 4-10, 42-47; col. 6, l. 16-22; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 38-44, 52-55, 64-67; & col. 10, l. 7-17); and
- generating an output signal including the primary content data and the piece of the first portion of the subsidiary data for display on a display coupled to the set-top system, with the piece being displayed concurrently with the primary content data during the time segment (col. 9, l. 27-40 & Fig. 8c).

Referring to claims **2** and **14**, Shoff et al. discloses the method/medium of claims 1 and 13, respectively, further comprising:

- receiving the subsidiary data corresponding to a program of the primary content data from the primary external source prior to beginning receipt of the primary content data (col. 3, l. 10-13, 42-47; col. 7, l. 61-67; col. 8, l. 52-55; & col. 9, l. 23-25); and
- storing the subsidiary data corresponding to the program locally in the storage (col. 3., l. 42-47 & col. 8, l. 52-55).

Referring to claims **3**, **15**, and **26**, Shoff et al. discloses the method/medium/entertainment system of claims 2, 14, and 32, respectively, wherein obtaining subsidiary data comprises obtaining the subsidiary data from a local nonvolatile storage medium of the set-top system (col. 7, l. 61-67 & col. 8, l. 52-55).

Referring to claim **6**, Shoff et al. discloses the method of claim 1, wherein the primary content data comprises data of at least one of a television broadcast, a digital satellite broadcast, an Internet broadcast, and an audio-only broadcast (col. 4, l. 62-67 & col. 5, l. 1-5).

Referring to claims **7** and **18**, Shoff et al. discloses the method/medium of claims 1 and 13, respectively, further comprising determining the identity of the primary content data currently displayed via reading an identifier associated with the primary content data (col. 5, l. 61-67; col. 6, l. 1-28; col. 8, l. 62-67; & col. 9, l. 1-5).

Referring to claims **9** and **20**, Shoff et al. discloses the method/medium of claims 1 and 13, respectively, further comprising retrieving the subsidiary data from a remote server (col. 5, l. 12-23 & col. 7, l. 26-50, 61-67).

Referring to claims **10**, **21**, and **30**, Shoff et al. discloses the method/medium/system of claims 1, 13, and 32, respectively, wherein the piece of the first portion of the subsidiary data comprises at least one of reference information regarding a program of the primary content data, biographical information regarding actors, guests or participants of a program of the primary content data (col. 5, l. 16-23).

Referring to claim **13**, Shoff et al. discloses a machine-readable medium having stored thereon instructions which, when executed by a set-top system, cause the set-top system to perform operations comprising:

- receiving primary content data at the set-top system 24 (Fig. 2) from a primary external source 42, including at least one tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data (the examiner interprets the channel and time slot of the program to be a tag value, the target resource as being a tag value, and the frame numbers and timing information as being tag values)(col. 6, l. 49-67; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 63-67; col. 10, l. 7-17, 34-43, 50-58; & Figs. 2, 3, 5, 6);

- accessing a storage of the set-top system storing the subsidiary data, the storage having a plurality of portions of the subsidiary data, including the piece of the first portion of the subsidiary data and the tag value, the accessing including retrieving the piece of the first portion of the subsidiary data based on the tag value (col. 3, l. 4-10, 42-47; col. 6, l. 16-22; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 38-44, 52-55, 64-67; & col. 10, l. 7-17); and

- generating an output signal including the primary content data and the piece of the first portion of the subsidiary data for displaying on a display coupled to the set-top system, with the piece being displayed concurrently with the primary content data during the time segment (col. 9, l. 27-40 & Fig. 8c).

Referring to claim **22**, Shoff et al. discloses the machine-readable medium of claim 18, wherein the instructions for reading the identifier are performed in response to a change in the primary content data currently displayed (col. 8, l. 62-67 & col. 9, l. 1-8).

Referring to claim **29**, Shoff et al. discloses the entertainment system of claim 32, wherein the storage database includes an identification of a remote server from which subsidiary data may be retrieved and wherein the controller is to request retrieval of the subsidiary data from the identified remote server (col. 5, l. 12-23).

Referring to claim **31**, Shoff et al. discloses the entertainment system of claim 32, wherein the second controller is to determine the identity of the primary content data in response to a change in the primary content data currently displayed (col. 8, l. 62-67; col. 9, l. 1-8).

Referring to claim **32**, Shoff et al. discloses an entertainment system 62 90 (Figs. 4, 5) comprising:

- a data receiver 98 (Fig. 5) to receive primary content data from a first external source, including at least one tag value identifying a piece of a first portion of subsidiary data as being associated with a time segment of the primary content data (the examiner interprets the channel and time slot of the program to be a tag value, the target resource as being a tag value, and the frame numbers and timing information as being tag values)(col. 6, l. 49-67; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 63-67; col. 10, l. 7-17, 34-43, 50-58; & Figs. 2, 3, 5, 6);
- a storage database to store subsidiary data supplemental to the primary content data received from the first external source prior to receipt of the primary

content data, the storage database including a plurality of portions of the subsidiary data, including the piece of the first portion of the subsidiary data and the tag value (col. 3, l. 4-10, 42-47; col. 6, l. 16-22; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 38-44, 52-55, 64-67; & col. 10, l. 7-17); and

- a controller coupled to the data receiver and the storage database to retrieve the piece of the first portion of the subsidiary data based on the tag value and to obtain the piece of the first portion of the subsidiary data for display with the primary content data (col. 3, l. 4-10, 42-47; col. 6, l. 16-22; col. 7, l. 1-8, 61-67; col. 8, l. 1-3, 38-44, 52-55, 64-67; & col. 10, l. 7-17), with the piece to be displayed concurrently with the primary content data during the time segment (col. 9, l. 27-40 & Fig. 8c).

Referring to claim **33**, Shoff et al. discloses the entertainment system of claim 32, further comprising a second controller coupled to the controller to combine the primary content data with the piece of the first portion of the subsidiary data and forward the combined data to a display (computing unit 62 uses the received digital data in order to synchronize the supplemental data with the primary program so computing unit 62 must have video/audio logic)(col. 9, l. 66-67 & col. 10, l. 1-17, 34-58).

Referring to claim **34**, Shoff et al. discloses the entertainment system of claim 32, wherein the controller is further configured to receive and store the subsidiary data in the storage database (col. 8, l. 4-34, 52-55 & Fig. 5).

Referring to claim **35**, Shoff et al. discloses the entertainment system of claim 32, wherein the controller is to allow a user to interact with the storage database (col. 8, l. 4-34, 52-55 & Fig. 5).

Referring to claim **36**, Shoff et al. discloses the entertainment system of claim 32, wherein the controller is to allow a user to access a programming guide (col. 8, l. 38-44).

Referring to claim **37**, Shoff et al. discloses the entertainment system of claim 32, wherein the controller is to allow a user to toggle enablement of the subsidiary data (col. 8, l. 4-34, 52-55; col. 9, l. 42-59; col. 11, l. 45-47; & Fig. 5).

Referring to claim **38**, Shoff et al. discloses the method of claim 7, further comprising obtaining the subsidiary data based on a second identifier (supplemental content target 58) associated with the primary content data (the examiner notes that the supplemental content is associated with the program in the EPG)(Fig. 3).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

MVH